

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

JAMES WALTER CREEL, # 33420

PLAINTIFF

VERSUS

CIVIL ACTION NO. 2:17cv30-KS-MTP

**EDDIE H. BOWEN, JIM HOOD, DANIAL C.
JONES, DAN A. MCINTOSH, ALICE
MEADOWS, KEITH EARL COLLINS,
SHERIFF RAYBURN, GEORGE T.
HOLMES, COVINGTON COUNTY
SHERIFF'S DEPARTMENT, CITY OF
COLLINS, COUNTY OF COVINGTON,
STAN Q. SMITH, and MAYOR OF THE
CITY OF COLLINS**

DEFENDANTS

ORDER DENYING CERTIFICATE OF APPEALABILITY

BEFORE THE COURT is *pro se* Plaintiff James Walter Creel's Application for Certificate of Appealability [27]. The Court dismissed this civil rights action for failure to state a claim upon which relief could be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Creel seeks a Certificate of Appealability so he may appeal that dismissal.

A Certificate of Appealability is not required in a 42 U.S.C. § 1983 case. 28 U.S.C. § 2253(c). Moreover, Creel has a Notice of Appeal currently pending in the Fifth Circuit Court of Appeals in this case. The motion is not well taken and is denied.

IT IS THEREFORE ORDERED AND ADJUDGED that *pro se* Plaintiff James Walter Creel's Application for Certificate of Appealability [27] should be and is hereby DENIED.

SO ORDERED AND ADJUDGED, this the 16th day of June, 2017.

s/ Keith Starrett
UNITED STATES DISTRICT JUDGE